

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

CARC, INC.

CASE NO. 2:22-CV-03042

VERSUS

JUDGE JAMES D. CAIN, JR.

AMGUARD INSURANCE CO.

MAGISTRATE JUDGE LEBLANC

MEMORANDUM ORDER

Before the Court is a Motion to Compel (Doc. 24) filed by the plaintiff CARC, Inc. (“CARC”), seeking to compel a date for a 30(b)(6) deposition of AmGUARD Insurance Company (“AmGUARD”). AmGUARD opposes the motion. Doc. 29.


This suit arises from damage to twenty-six CARC properties by Hurricanes Laura and Delta, which were insured by AmGUARD. CARC’s motion to compel seeks an order from the Court to require AmGUARD’s corporate representative to appear for a deposition during the week of February 19, 2024. The filings submitted by both parties indicate that CARC’s counsel attempted to schedule the deposition in February several times, beginning on January 19, 2024. AmGUARD’s counsel states that he attempted to find a date during the week of February 19, 2024, but he did not commit to producing the corporate representative at that time. AmGUARD’s counsel now states that its corporate representative is unavailable for that week but is available the weeks of March 4, 2024, or March 11, 2024. CARC argues that it needs to take the deposition of AmGUARD’s corporate representative to understand its global defenses prior to deposing individual witnesses. CARC also notes that it asked to take depositions first and should be able to take its depositions prior to AmGUARD.

Counsel should work together to schedule depositions as a matter of professional courtesy. However, “[w]hile the agreement of counsel on a date for a deposition is preferred, it is not required by Rule 30. The rule requires only reasonable notice. After making a reasonable attempt to schedule a deposition on a convenient date, counsel desiring to depose a witness must simply schedule the deposition and serve a notice, and a subpoena when required.” *NJ Records, LLC v. Boutte*, 2014 WL 11515498, at *1 (M.D. La. Apr. 9, 2014) (quoting *Rushing v. Board of Supervisors of the Univ. of La. Sys.*, 2008 WL 4330186, at *2 n.13 (M.D. La. Sept. 15, 2008)).

CARC counsel may continue to work with opposing counsel on a respective date or simply schedule the deposition and serve notice. Given the rapidly approaching March 25, 2024, trial date, and what appears to be the lack of any completed depositions, the parties may also consider whether a continuance of the trial date is necessary.

Accordingly, CARC’s Motion to Compel (Doc. 24) is hereby **DENIED**. AmGUARD is **ORDERED** to make its corporate representative available during the week of March 4, 2024, as stated in its opposition brief.

THUS DONE AND SIGNED in Chambers on this 22nd day of February, 2024.


JAMES D. CAIN, JR.
UNITED STATES DISTRICT JUDGE